

VUNTUT GWITCHIN FIRST NATION
ELECTION LAW



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PREAMBLE

Whereas:

The Vuntut Gwitchin First Nation (also referred to herein as “VGFN”) has inherent rights to self-determination and self-government;

Since time immemorial, Vuntut Gwitchin leaders have been selected based upon Vuntut Gwitchin laws, governance, customs, practices, traditions, values, knowledge, worldview and relationship to the Traditional Territory;

Today, the VGFN Constitution establishes the Council as a branch of VGFN government that has a Chief and Councillors elected pursuant to Vuntut Gwitchin Law; and,

Council now wishes to enact this Vuntut Gwitchin Law for the election of the Chief and Councillors.

Now therefore the Council of the Vuntut Gwitchin First Nation enacts as follows:

PART 1 – GENERAL

Title

- 1.1 This Vuntut Gwitchin Law may be cited as the VGFN Election Law.

Application

- 1.2 This Vuntut Gwitchin Law applies to every election of the Chief and Councillors.

Purpose

- 1.3 The purpose of this Vuntut Gwitchin Law is to ensure fair, transparent and efficient elections for a free, democratic and self-governing VGFN.

Guiding principles

- 1.4 Vuntut Gwitchin laws, governance, customs, practices, traditions, values, knowledge, worldview and relationship to the Traditional Territory guide the interpretation and application of this Vuntut Gwitchin Law.

Definitions

- 1.5 In this Vuntut Gwitchin Law:
- (1) “Ballot” means a paper, mail-in or special ballot issued by the election officer;
 - (2) “Candidate” means an individual qualified to be a candidate that is nominated;
 - (3) “Election Assistant” means any individual appointed under section 2.4;
 - (4) “Election Committee” means the committee appointed under section 2.8;
 - (5) “Election Officer” means the individual appointed under section 2.3;
 - (6) “Eligible Voter” means an individual qualified to vote in an election; and,
 - (7) any other terms that are capitalized have the same meaning as in the VGFN Constitution, Final Agreement or Self-Government Agreement.

Calculation of time

- 1.6 In calculating a period of days, the first day is excluded and weekends are included. If the last day is on a weekend or holiday, it extends to the next business day.

Severability

- 1.7 If a provision of this Vuntut Gwitchin Law is held to be invalid by a court of competent jurisdiction, the rest of the law remains valid.

Periodic review

- 1.8 This Vuntut Gwitchin Law must be reviewed by a committee of Citizens at least every 5 years after enacted and include opportunities for the participation and input of Citizens in the review process.

Repeal of interim law

- 1.9 The 2020 Interim Elections Act is repealed.

Coming into force

- 1.10 This Vuntut Gwitchin Law comes into force when enacted by Council.

PART 2 – ELECTION TIMING AND ADMINISTRATION

General election

- 2.1 A general election must be conducted for each office of Chief and Councillor on an election day that is September 15, 2026, and every 4 years after on the third Monday in November.

By-election

- 2.2 Subject to Article XIV, section 7 of the VGFN Constitution, a by-election must be conducted to fill a vacant office of Council for the remainder of the term of that office on an election day that is set by the Election Officer and within 60 days of the vacancy occurring.

Election Officer

- 2.3 Council must retain and appoint an individual as the Election Officer before providing notice of an election.

Election Assistants

- 2.4 The Election Officer may retain and appoint individuals as Election Assistants to assist the Election Officer as needed including performing the duties of the Election Officer.

Election Officer and Assistant qualifications

- 2.5 The Election Officer and Election Assistants must:
- (1) be at least 18 years of age;
 - (2) have no convictions of an offence that carried the possibility of imprisonment for 2 years or more in the previous 5 years; and,
 - (3) complete and sign an oath of office and confidentiality form issued by VGFN.

Duties of the Election Officer

- 2.6 The Election Officer must:
- (1) supervise the election;
 - (2) ensure fairness, integrity and order of the election;
 - (3) administer the election procedures; and,
 - (4) keep and maintain a record of all election materials and results.

- 2.7 Only if necessary and without affecting the fairness, integrity or accessibility of the election in any material way, the Election Officer may:
- (1) create forms for the efficient administration of the election;
 - (2) make minor changes to election procedures or timelines; and,
 - (3) make rules or decisions that are reasonable and consistent with this Vuntut Gwitchin Law in circumstances where this Vuntut Gwitchin Law is unclear.

Election Committee

- 2.8 Council must appoint 3 members to an Election Committee before providing notice of an election.

Election Committee member qualifications

- 2.9 The Election Committee members must:
- (1) be Citizens;
 - (2) be at least 18 years of age;
 - (3) have no convictions of an offence that carried the possibility of imprisonment for 2 years or more in the previous 5 years; and,
 - (4) complete and sign an oath of office and confidentiality form issued by VGFN.

Duties of the Election Committee

- 2.10 The Election Committee must:
- (1) advise the Election Officer as needed; and,
 - (2) decide any appeal under this Vuntut Gwitchin Law.

Disqualification

- 2.11 The Election Officer, Election Assistants and Election Committee members must not be the Chief, a Councillor or a Candidate.

Notice of election

- 2.12 Council must publicly post written notice of an election at least 60 days before election day that contains:
- (1) names of the Election Officer and Election Committee members; and,
 - (2) offices of Council to be filled.

Notice to Eligible Voters

2.13 The Election Officer must publicly post written notice to Eligible Voters within 5 days of the notice of election that contains:

- (1) election day;
- (2) Candidate qualifications;
- (3) nomination day and nomination instructions;
- (4) instructions for requesting an addition or correction to the list of Eligible Voters;
- (5) instructions for requesting to vote by mail, online or special Ballot; and,
- (6) voting methods, dates, times and locations.

PART 3 – CANDIDATES

Candidate qualifications

- 3.1 A Candidate must meet the qualifications set out in Article XI, section 1 of the VGFN Constitution.

No dual Candidates

- 3.2 An individual may only be a Candidate for an office of Chief or Councillor and not both.

Nominations

- 3.3 An individual may be nominated by submitting to the Election Officer before or during a nomination meeting or additional nomination meeting:
- (1) a complete and signed Candidate nomination and declaration form issued by the Election Officer that is witnessed by the names and signatures of at least 5 Eligible Voters;
 - (2) written confirmation that a request for criminal records check has been made and that the results will be forwarded to the Election Officer before the declaration of results; and,
 - (3) any other supporting documents necessary to verify that the individual is qualified to be a Candidate.
- 3.4 An individual must provide the results of a criminal records check to the Election Officer before the declaration of results or be disqualified.

Nomination day

- 3.5 The day of the nomination meeting is the 20th day after notice of the election is posted.

Conduct of the nomination meeting

- 3.6 On the nomination day, the Election Officer must conduct the nomination meeting to:
- (1) receive nominations;
 - (2) verify the qualifications of each individual that is nominated; and,
 - (3) declare each qualified nominated individual to be a Candidate.

Additional nomination day

- 3.7 The Election Officer must conduct an additional nomination meeting on the 10th day after nomination day if any offices of Council to be filled are uncontested or vacant after the nomination meeting.

List of Candidates

- 3.8 The Election Officer must publicly post a list of Candidates immediately after they are declared.

Withdrawal

- 3.9 A Candidate may withdraw with written notice to the Election Officer at any time before election day.

Acclamation

- 3.10 The Election Officer must immediately declare as elected without any voting a Candidate that is uncontested after an additional nomination meeting or the withdrawal or death of a Candidate.

Candidates forum

- 3.11 Unless all Candidates are acclaimed, the Election Officer must:
- (1) conduct a Candidates forum in Old Crow at least 20 days before election day; and,
 - (2) take reasonable steps to ensure fair participation of Candidates and Eligible Voters in the Candidates forum including online participation.

Campaign restrictions

- 3.12 No individual may:
- (1) access or use any financial or human resources of VGFN to campaign for a Candidate; or,
 - (2) campaign for a Candidate at or near a voting station on advance voting day or election day.

PART 4 – ELIGIBLE VOTERS

Eligible Voter qualifications

- 4.1 An Eligible Voter must be:
- (1) a Citizen;
 - (2) at least 18 years of age on or before election day; and,
 - (3) a resident of Canada for the majority of the time in the 12 months immediately before election day.

List of Eligible Voters

- 4.2 The Election Officer must prepare and maintain a list of Eligible Voters using information obtained from the VGFN Enrollment Officer as follows:
- (1) 1 confidential list of Eligible Voters containing the name, date of birth and residential address of each Eligible Voter for confidential use only by the Election Officer, Election Assistants and Election Committee; and,
 - (2) 1 public list of Eligible Voters containing only the name of each Eligible Voter for public use.
- 4.3 The Election Officer must publicly post and make available for inspection the public list of Eligible Voters as amended from time to time.

Review of confidential information

- 4.4 An Eligible Voter may review and inspect any of their own information contained in the confidential list of Eligible Voters to ensure that their information is correct.

Amendments

- 4.5 The Election Officer may amend the list of Eligible Voters as needed to make additions or other corrections and must notify affected individuals.

Adding names

- 4.6 An individual may request to be added to the list of Eligible Voters at any time before voting ends on election day, including on advance voting day, by submitting to the Election Officer:
- (1) a complete and signed Eligible Voter declaration form issued by the Election Officer; or,
 - (2) supporting documents that verify the individual is qualified to be an Eligible Voter.

Maintaining current information

4.7 Each Eligible Voter is responsible for keeping the Enrollment Officer informed of:

- (1) their legal name;
- (2) their date of birth;
- (3) their residential address; and,
- (4) any changes to the above information.

No enrollment decisions during election

4.8 No applications for enrollment as a Citizen may be decided by the VGFN Enrollment Committee after the notice of election and until voting ends on election day.

PART 5 – VOTING

Voting methods

- 5.1 An Eligible Voter may vote:
- (1) in-person on advance voting day, election day or during the special voting period;
 - (2) by mail before the mail-in voting deadline; or,
 - (3) online during the online voting period.
- 5.2 An Eligible Voter who wishes to vote by mail, online or special Ballot must make a request to the Election Officer at least 20 days before election day.

Voting rules

- 5.3 All voting must be by secret Ballot.
- 5.4 An Eligible Voter may:
- (1) vote once;
 - (2) vote by only 1 method; and,
 - (3) vote for as many Candidates as there are offices of Council to be filled.

Verification

- 5.5 The Election Officer must verify that an individual is qualified to be an Eligible Voter and has not voted before issuing a Ballot or online voting instructions to them.

Recording

- 5.6 The Election Officer must record on the list of Eligible Voters when a Ballot or online voting instructions are issued to an Eligible Voter and an Eligible Voter votes in-person, by mail or online.

Spoiled and declined Ballots

- 5.7 The Election Officer must:
- (1) write the word “spoiled” on a Ballot of an Eligible Voter who votes or attempts to vote contrary to the voting rules; and,
 - (2) write the word “declined” on a Ballot that was issued to an Eligible Voter at a voting station who declines to vote before leaving the voting station.

Mail-in voting deadline

- 5.8 An Eligible Voter may vote by mail by returning their mail-in Ballot to the Election Officer by mail before 8:00 p.m. on the day before election day.
- 5.9 Any mail-in Ballot returned to the Election Officer after the deadline must not be counted.

Voting by mail

- 5.10 The Election Officer must:
- (1) issue mail-in Ballots with instructions;
 - (2) ensure the secrecy of the Ballot; and,
 - (3) deposit returned mail-in Ballots into a Ballot box and keep them secure until the counting of the Ballots.

Online voting period

- 5.11 An Eligible Voter may vote online by voting on the online voting system during the period that begins on advance voting day at 10:00 a.m. and ends 5 days before election day at 8:00 p.m.

Online voting system

- 5.12 The Election Officer must provide a secure online voting system that:
- (1) limits access to Eligible Voters issued online voting instructions;
 - (2) ensures the secrecy of the online vote; and,
 - (3) records the online voting results.

Voting online

- 5.13 The Election Officer must:
- (1) issue online voting instructions;
 - (2) obtain the record of the online voting results from the online voting system; and,
 - (3) keep the online voting results confidential and secure until the counting of the Ballots.

Special Ballot qualifications

- 5.14 An Eligible Voter may vote by special Ballot before election day at a location and time that is arranged with the Election Officer if they are:

- (1) residing in the Traditional Territory or Whitehorse and not capable of leaving their household to vote;
- (2) a patient in a healthcare or treatment facility in the Traditional Territory or Whitehorse and not capable of leaving the facility to vote; or,
- (3) in custody in a correctional institution in the Traditional Territory or Whitehorse and not capable of leaving the institution to vote.

Voting by special Ballot

- 5.15 The Election Officer must conduct voting by special Ballot in the same manner as voting in-person on advance voting day and election day except the Election Officer may assist Eligible Voters with marking and returning a special Ballot at the location and time before election day that is arranged with the Election Officer.

Advance voting day

- 5.16 The advance voting day is 15 days before election day.

Voting stations

- 5.17 The Election Officer must provide a voting station at both Old Crow and Whitehorse on advance voting day and election day.

Voting hours

- 5.18 An Eligible Voter may vote in-person at a voting station from 10:00 a.m. to 8:00 p.m. on advance voting day and election day.

Voting in-person

- 5.19 The Election Officer must:
- (1) issue paper Ballots with instructions;
 - (2) ensure the secrecy of the Ballot; and,
 - (3) deposit returned paper Ballots into a Ballot box and keep them secure until the counting of the Ballots.

No loitering

- 5.20 No individual may loiter at a voting station.

Voting observers

- 5.21 Up to 2 individuals may be appointed by each Candidate to observe voting at voting stations on advance voting day or election day.

PART 6 – COUNTING BALLOTS AND DECLARING RESULTS

Arrangements for counting Ballots

- 6.1 After voting ends on election day the Election Officer must immediately arrange for every Ballot box and the record of online voting results to be delivered without unreasonable delay to a location where all Ballots are to be counted by the Election Officer.

Counting observers

- 6.2 Any Citizen and up to 2 individuals appointed by each Candidate may observe the counting of Ballots.

Counting duties of the Election Officer

- 6.3 The Election Officer must examine each Ballot and:
- (1) reject and not count Ballots that:
 - (a) were not issued by the Election Officer;
 - (b) are marked “spoiled” or “declined”; or,
 - (c) identify or partially identify an Eligible Voter; and,
 - (2) count the votes for Candidates on Ballots that are valid.
- 6.4 Any votes for a Candidate that withdrew or died before the end of voting on election day must not be counted but votes for other Candidates on the same Ballot are valid and must be counted.
- 6.5 Any Ballot that contains votes for less than the number of offices of Council to be filled must be counted if they are otherwise valid.

Recounts

- 6.6 A recount of the Ballots must be immediately conducted if there is a margin of 3 voters or fewer between 1 or more Candidates who will be elected and 1 or more Candidates who will not be elected.
- 6.7 The Election Officer must conduct the recount if the Review Council has not been established under Vuntut Gwitchin Law, is vacant or is otherwise not able to conduct the recount.

Resolution of tie vote

- 6.8 The Election Officer must immediately resolve any tie in votes between 1 or more Candidates who will be elected and 1 or more Candidates who will not be elected by a random draw of names that is witnessed.

Declaration of results

- 6.9 The Election Officer must immediately declare elected the Candidates who received the most votes for each office of Council to be filled.

Notice of results

- 6.10 The Election Officer must publicly post notice of the results of the election immediately that contains:
- (1) the total number of Ballots returned and online votes;
 - (2) the total number of votes for each Candidate; and,
 - (3) the names of elected Candidates.

PART 7 – APPEALS

Appeal deadline

- 7.1 A Candidate or Eligible Voter may appeal an election within 10 days of notice of the results of the election.

Grounds for appeal

- 7.2 An election may be appealed on the grounds that it is more likely than not that:
- (1) a violation of this Vuntut Gwitchin Law occurred which affected, or could reasonably have affected, the outcome of the election;
 - (2) an offence under this Vuntut Gwitchin Law was committed which affected, or could reasonably have affected, the outcome of the election; or,
 - (3) a Candidate was ineligible on election day.

Notice of appeal

- 7.3 An appellant must deliver written notice of an appeal to the Election Officer that contains particulars and sufficient documentary evidence to support the grounds for appeal.
- 7.4 The Election Officer must immediately deliver a copy of the appellant's written notice of appeal to the Election Committee, each Candidate and the VGFN Executive Director.

Response to appeal

- 7.5 The Election Officer and Candidates may each deliver to the Election Committee a written response to appeal within 5 days of written notice of the appeal together with any supporting documentary evidence.

Decision on appeal

- 7.6 The Election Committee may:
- (1) dismiss the appeal and confirm the election results if no ground for appeal is established by the appellant; or,
 - (2) disqualify an elected Candidate or declare 1 or more office of Council to be vacant if a ground for appeal is established by the appellant.

Reasons for decision

- 7.7 The Election Committee must make a decision on an appeal and deliver written reasons to the appellant, each Candidate and the VGFN Executive Director within 30 days of notice of the appeal.

PART 8 – CLOSING DUTIES

Storage of Ballots

- 8.1 The Election Officer must securely store all Ballots issued and returned until their disposal.

Disposal of Ballots

- 8.2 The Election Officer must dispose of the Ballots 45 days or more after election day or, if there is an appeal, 45 days or more after the Election Committee decision is made.

Final report

- 8.3 After the outcome of the election is conclusively determined, the Election Officer must deliver a written report to the VGFN Executive Director with any recommendations together with a record of all election materials other than the Ballots.

PART 9 – TRANSITION PERIOD AND BEGINNING OF TERM OF OFFICE

Duties during the transition period

- 9.1 During the period after Candidates are elected and before they begin their term of office, Council, the VGFN Executive Director and elected Candidates must cooperate and work together in good faith to ensure an orderly transition process including:
- (1) delivery of an orientation program on the duties of Council and VGFN administration, management and operations that each elected Candidate must participate in; and,
 - (2) consultation between Council and elected Candidates on any Council decision that may substantially affect VGFN rights, interests or financial resources.
- 9.2 VGFN must provide each elected Candidate with a reasonable honoraria for the fulfillment of their duties before the beginning of their term of office.

Beginning of term of office

- 9.3 An elected Candidate begins their term of office when they undertake the Council oath of office appended to the VGFN Constitution before witnesses at a swearing-in ceremony.

Swearing-in ceremony

- 9.4 A public swearing-in ceremony must be held at Old Crow for the purposes of administering and witnessing the undertaking of the Council oath of office by each elected Candidate as follows:
- (1) on the 2nd Wednesday of January after a general election; and,
 - (2) within 30 days of election day of a by-election.
- 9.5 Notwithstanding any other provision of this Vuntut Gwitchin Law, if 3 or more offices of Council become vacant after election day and before the elected Candidates begin their term of office then the elected Candidates must immediately begin their term of office with a public swearing-in ceremony to be held at Old Crow as soon as practicable.

PART 10 – OFFENCES

Prohibited conduct

10.1 It is an offence to:

- (1) bribe or induce an Eligible Voter or Candidate;
- (2) intimidate an Eligible Voter or Candidate;
- (3) interfere with voting;
- (4) make a fraudulent declaration respecting qualifications to be an Eligible Voter or Candidate; or,
- (5) intentionally affect the outcome of an election by violating this Vuntut Gwitchin Law.

Penalties

10.2 An individual who is guilty of an offence under this Vuntut Gwitchin Law is, on conviction, liable to one or more of the following penalties:

- (1) a fine of not more than \$5,000; and,
- (2) disqualification from holding an office of Council for not more than 10 years from the date of conviction.